

# State of Wisconsin



1995 Senate Bill 563

Date of enactment: **June 6, 1996**  
Date of publication\*: **June 20, 1996**

## 1995 WISCONSIN ACT 416

(Vetoed in Part)

AN ACT *to amend* 20.410 (3) (hm), 20.410 (3) (ho), 20.866 (2) (v), 301.18 (1m), 301.26 (4) (b), 301.26 (4) (d) 3m., 301.26 (4) (d) 4. and 303.21 (1) (b); *to create* 303.063 of the statutes; and *to affect* 1995 Wisconsin Act .... (Assembly Bill 808), section 3 (1); **relating to:** the purchase of goods, care and services for certain probationers, parolees and other offenders; authorizing the department of corrections to establish a secure work program; the general program operations of the department of corrections; intergovernmental corrections agreements; the establishment and operation of state prison industries; youth service rates; funding additional expansion of the Wisconsin Resource Center under the state building program; the limitation on bed capacity of the Wisconsin Resource Center; transferring moneys from the general fund to the property tax relief fund; granting bonding authority; granting rule-making authority; and making appropriations.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 20.410 (3) (hm) of the statutes, as created by [1995 Wisconsin Act 27](#), is amended to read:

20.410 (3) (hm) *Juvenile correctional services.* Except as provided in pars. (ho) and (hr), the amounts in the schedule for juvenile correctional services specified in s. 301.26 (4) (c) and (d). All moneys received from the sale of surplus property, including vehicles, from juvenile correctional institutions, all moneys received as payments in restitution of property damaged at juvenile correctional institutions, all moneys received from miscellaneous services provided at a juvenile correctional institution, all moneys transferred under s. 301.26 (4) (cm) and, except as provided in par. (hr), all moneys received in payment for juvenile correctional services specified in s. 301.26 (4) (d) shall be credited to this appropriation account. If moneys generated by the monthly rate exceed actual fiscal year institutional costs by 2% or more, all moneys in excess of 2% shall be remitted to the

counties during the subsequent calendar year or transferred to the appropriation account under par. (kx) during the subsequent fiscal year. Each county and the department shall receive a proportionate share of the remittance and transfer depending on the total number of days of placement at juvenile correctional institutions. Counties shall use the funds for purposes specified in s. 301.26. The department shall deposit in the general fund the amounts transferred under this paragraph to the appropriation account under par. (kx).

**SECTION 2.** 20.410 (3) (ho) of the statutes, as affected by [1995 Wisconsin Act 77](#), is amended to read:

20.410 (3) (ho) *Juvenile residential aftercare.* The amounts in the schedule for providing foster care, treatment foster care, group home care and institutional child care to delinquent children under ss. 49.19 (10) (d), 938.48 (4) and (14) and 938.52. All moneys transferred under s. 301.26 (4) (cm) and all moneys received in payment for providing foster care, treatment foster care, group home care and institutional child care to delinquent

\* Section 991.11, WISCONSIN STATUTES 1993-94: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

children under ss. 49.19 (10) (d), 938.48 (4) and (14) and 938.52 as specified in s. 301.26 (4) (e) shall be credited to this appropriation account. If moneys generated by the monthly rate exceed actual fiscal year foster care, treatment foster care, group home care and institutional child care costs by 2% or more, all moneys in excess of 2% shall be remitted to the counties during the subsequent calendar year or transferred to the appropriation account under par. (kx) during the subsequent fiscal year. Each county and the department shall receive a proportionate share of the remittance and transfer depending on the total number of days of placement in foster care, treatment foster care, group home care or institutional child care. Counties shall use the funds for purposes specified in s. 301.26. The department shall deposit in the general fund the amounts transferred under this paragraph to the appropriation account under par. (kx).

**SECTION 3.** 20.866 (2) (v) of the statutes, as affected by 1995 Wisconsin Act 27, is amended to read:

20.866 (2) (v) *Health and social services; mental health facilities.* From the capital improvement fund, a sum sufficient for the department of health and social services to acquire, construct, develop, enlarge or extend mental health facilities. The state may contract public debt in an amount not to exceed \$71,800,500 \$78,200,500 for this purpose.

**SECTION 4.** 301.18 (1m) of the statutes is amended to read:

301.18 (1m) The department of health and social services shall provide the facilities necessary to operate the Wisconsin resource center with ~~160~~ 460 beds. The facilities may be used for persons transferred under ch. 302.

**SECTION 5.** 301.26 (4) (b) of the statutes, as affected by 1995 Wisconsin Act 77, is amended to read:

301.26 (4) (b) Assessment of costs under par. (a) shall be made periodically on the basis of the per person per day cost estimate specified in par. (d) ~~2. to 3m. and 4.~~ Except as provided in pars. (bm), (c) and (cm), liability shall apply to county departments under s. 46.21, 46.22 or 46.23 in the county of the court exercising jurisdiction under chs. 48 and 938 for each person receiving services from the department of corrections under s. 48.366, 938.183 (2) or 938.34 or the department of health and social services under s. 51.35 (3). Except as provided in pars. (bm), (c) and (cm), in multicounty court jurisdictions, the county of residency within the jurisdiction shall be liable for costs under this subsection. Assessment of costs under par. (a) shall also be made according to the general placement type or level of care provided, as defined by the department, and prorated according to the ratio of the amount designated under sub. (3) (c) to the total applicable estimated costs of care, services and supplies provided by the department of corrections under ss. 48.366, 938.183 (2) and 938.34 and the department of health and social services under s. 51.35 (3).

**SECTION 6.** 301.26 (4) (d) 3m. of the statutes, as created by 1995 Wisconsin Act 27, is amended to read:

301.26 (4) (d) 3m. Beginning on July 1, 1996, and ending on December 31, 1996, the per person daily cost assessment to counties shall be \$133.82 for care in a Type 1 secured correctional facility, as defined in s. 938.02 (19), \$133.82 for care for children transferred from a juvenile correctional institution under s. 51.35 (3), \$153.98 for care in a child caring institution, including a secured child caring institution, \$106.82 for care in a group home for children, \$23.80 for care in a foster home, \$68.58 for care in a treatment foster home, \$82.11 for departmental corrective sanctions services and \$11.48 \$14.95 for departmental aftercare services.

**SECTION 7.** 301.26 (4) (d) 4. of the statutes, as created by 1995 Wisconsin Act 27, is amended to read:

301.26 (4) (d) 4. Beginning on January 1, 1997, and ending on June 30, 1997, the per person daily cost assessment to counties shall be \$133.82 for care in a Type 1 secured correctional facility, as defined in s. 938.02 (19), \$133.82 for care for children transferred from a juvenile correctional institution under s. 51.35 (3), \$157.08 for care in a child caring institution, including a secured child caring institution, \$108.98 for care in a group home for children, \$24.29 for care in a foster home, \$69.95 for care in a treatment foster home, \$82.11 for departmental corrective sanctions services and \$11.48 \$14.95 for departmental aftercare services.

**SECTION 8.** 303.063 of the statutes is created to read:

**303.063 Secure work program. (1)** The department may establish a secure work program for inmates in which the inmates are assigned to work, ~~while~~ away from the grounds of the institution ~~to which they are assigned~~ and while appropriately restrained for security purposes, ~~on property that is owned, leased or managed by the department.~~

**(2)** If the department establishes a secure work program under sub. (1), the department shall, before implementing the program, promulgate rules specifying the procedures and regulations relating to the program. The rules shall require inmates who are on work assignments under the program to wear distinctively colored outer garments.

**SECTION 9.** 303.21 (1) (b) of the statutes, as affected by 1995 Wisconsin Act 27, section ~~6401~~, is amended to read:

303.21 (1) (b) Inmates are included under par. (a) if they are participating in a structured work program away from the institution grounds under s. 302.15 or a secure work program under s. 303.063. Inmates are not included under par. (a) if they are employed in a prison industry under s. 303.06 (2), participating in a work release program under s. 303.065 (2), participating in employment with a private business under s. 303.01 (2) (em) or participating in the transitional employment program, but they are eli-

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gible for worker's compensation benefits under ch. 102. Residents subject to s. 303.01 (1) (b) are not included under par. (a) but they are eligible for worker's compensation benefits under ch. 102.

**SECTION 10.** 1995 Wisconsin Act .... (Assembly Bill 808), section 3 (1) is amended to read:

[1995 Wisconsin Act .... (Assembly Bill 808)] Section 3 (1) TRANSFER TO PROPERTY TAX RELIEF FUND. There is transferred on June 30, 1997, from the general fund to the property tax relief fund ~~\$160,000,000~~ \$170,635,900.

**SECTION 9108. Nonstatutory provisions; building commission.**

(1) 1995–97 STATE BUILDING PROGRAM; INCREASE IN WISCONSIN RESOURCE CENTER EXPANSION PROJECT BORROWING AUTHORITY. In 1995 Wisconsin Act 27, section 9108 (1) (d) 1., under projects financed by general fund supported borrowing, the amount authorized for the Wisconsin Resource Center expansion is increased from \$12,100,000 to \$18,500,000 and the appropriate totals are increased accordingly.

**SECTION 9112. Nonstatutory provisions; corrections.**

(1) SPECIALIZED TRAINING AND EMPLOYMENT PROGRAM FOR INMATES. The authorized FTE positions for the department of corrections are increased by 2.0 GPR project positions to perform services related to the specialized training and employment program for inmates for the period beginning on July 1, 1996, and ending on June 30, 1998, to be funded from the appropriation under section 20.410 (1) (a) of the statutes.

(2) COMMUNITY, YOUTH AND FAMILY AIDS. Notwithstanding section 16.42 (1) (e) of the statutes, in submitting information under section 16.42 of the statutes for the purposes of the 1997–99 biennial budget bill, the department of corrections shall submit information concerning the appropriation under section 20.410 (3) (cd) of the statutes as though the increase in the dollar amount of that appropriation by SECTION 9212 (9) of this act had not been made.

**SECTION 9133. Nonstatutory provisions; joint committee on finance.**

(1) SUPPLEMENTAL FUNDING FOR INTERGOVERNMENTAL CORRECTIONS AGREEMENTS. Of the moneys appropriated to the joint committee on finance under section 20.865 (4) (a) of the statutes for the 1996–97 fiscal year, \$2,073,800 is allocated to the department of corrections for the purpose of funding new contracts between the department of corrections and county jails or contracts between the department of corrections and other states. Notwithstanding section 13.101 (3) (a) 1. of the statutes, no finding of an emergency is required for the joint committee on finance to use the moneys allocated under this subsection.

(2) SUPPLEMENTAL FUNDING FOR INTENSIVE SANCTIONS PROGRAM. Of the moneys appropriated to the joint committee on finance under section 20.865 (4) (a) of the

statutes for the 1996–97 fiscal year, \$937,900 is allocated to the department of corrections for the purpose of supporting the intensive sanctions program if the number of intensive sanctions program participants in the community rises above 2,220. Notwithstanding section 13.101 (3) (a) 1. of the statutes, no finding of an emergency is required for the joint committee on finance to use the moneys allocated under this subsection.

(3t) SUPPLEMENTAL FUNDING FOR SECURE WORK PROGRAM. Of the moneys appropriated to the joint committee on finance under section 20.865 (4) (a) of the statutes for the 1996–97 fiscal year, \$183,800 is allocated to the department of corrections to increase the authorized FTE positions for the department by 4.0 GPR positions for the performance of duties relating to a secure work program for inmates. Notwithstanding section 13.101 (3) (a) 1. of the statutes, no finding of an emergency is required for the joint committee on finance to use the moneys allocated under this subsection. The joint committee on finance may not use the moneys unless the department of corrections requests the use and submits a report on its intended use that is approved by the committee.

**SECTION 9159. Nonstatutory provisions; other.**

(1) RECONCILIATION; TRANSFER TO PROPERTY TAX RELIEF FUND. If 1995 Wisconsin Act .... (Assembly Bill 808) is not enacted into law, the treatment of 1995 Wisconsin Act .... (Assembly Bill 808), section 3 (1) by this act and SECTION 9459 (1) of this act are void.

**SECTION 9212. Appropriation changes; corrections.**

(1) GENERAL PROGRAM OPERATIONS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of corrections under section 20.410 (1) (a) of the statutes, as affected by the acts of 1995, the dollar amount is increased by \$837,000 for fiscal year 1995–96 and the dollar amount is increased by \$2,337,600 for fiscal year 1996–97 to increase funding for the purpose for which the appropriation is made.

(2) GENERAL PROGRAM OPERATIONS; PROJECT POSITIONS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of corrections under section 20.410 (1) (a) of the statutes, as affected by the acts of 1995, the dollar amount is increased by \$112,000 for fiscal year 1996–97 to fund 2.0 FTE GPR project positions authorized under SECTION 9112 (1) of this act.

(3) GENERAL PROGRAM OPERATIONS; POSITION DECREASE. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of corrections under section 20.410 (1) (a) of the statutes, as affected by the acts of 1995, the dollar amount is decreased by \$592,600 for fiscal year 1996–97 to decrease funding for the purpose for which the appropriation is made and to decrease the authorized FTE positions for the department by 15.03 GPR positions.

(4) INTERGOVERNMENTAL CORRECTIONS AGREEMENTS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of corrections under section 20.410 (1) (ab) of the statutes, as affected by the acts of 1995, the dollar amount is increased by \$1,357,800 for fiscal year 1995–96 and the dollar amount is increased by \$752,900 for fiscal year 1996–97 to increase funding for the purpose for which the appropriation is made.

(5) INTENSIVE SANCTIONS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of corrections under section 20.410 (1) (ai) of the statutes, as affected by the acts of 1995, the dollar amount is decreased by \$523,900 for fiscal year 1995–96 and the dollar amount is decreased by \$913,900 for fiscal year 1996–97 to decrease funding for the purpose for which the appropriation is made and to decrease, on July 1, 1996, the authorized FTE positions for the department by 12.5 GPR positions for the performance of services relating to intensive sanctions.

(6) PURCHASED GOODS, CARE AND SERVICES FOR OFFENDERS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of corrections under section 20.410 (1) (d) of the statutes, as affected by the acts of 1995, the dollar amount is increased by \$15,300 for fiscal year 1995–96 and the dollar amount is increased by \$59,600 for fiscal year 1996–97 to increase funding for the purpose for which the appropriation is made.

(7) SPECIAL LIVING ARRANGEMENTS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of corrections under section 20.410 (1) (dd) of the statutes, as affected by the acts of 1995, the dollar amount is decreased by \$22,200 for fiscal year 1996–97 to decrease funding for the purpose for which the appropriation is made.

(9) COMMUNITY, YOUTH AND FAMILY AIDS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of corrections under section 20.410 (3) (cd) of the statutes, as affected by the acts of 1995, the dollar amount is increased by \$1,500,000 for fiscal year 1996–97 to increase funding for distribution to counties for the cost of care and services specified in section 301.26 (4) (d) 3m. and 4. of the statutes, as affected by this act.

(10) SERIOUS JUVENILE OFFENDERS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of corrections under section 20.410 (3) (cg) of the statutes, as affected by the acts of 1995, the dollar amount is decreased by \$11,130,300 for

fiscal year 1996–97 to decrease funding for the purposes for which the appropriation is made.

(11) JUVENILE CORRECTIONAL SERVICES. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of corrections under section 20.410 (3) (hm) of the statutes, as affected by the acts of 1995, the dollar amount is decreased by \$5,961,700 for fiscal year 1996–97 to decrease the authorized FTE positions for the department by 90.68 PR positions on July 1, 1996, for the performance of services for which the appropriation is made.

(12) JUVENILE ALTERNATE CARE. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of corrections under section 20.410 (3) (ho) of the statutes, as affected by the acts of 1995, the dollar amount is increased by \$1,954,300 for fiscal year 1996–97 to increase funding for the purposes for which the appropriation is made.

**SECTION 9234. Appropriation changes; joint committee on finance.**

(1) FUNDS FOR INTERGOVERNMENTAL CORRECTIONS AGREEMENTS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the joint committee on finance under section 20.865 (4) (a) of the statutes, as affected by the acts of 1995, the dollar amount is increased by \$2,073,800 for fiscal year 1996–97.

(2) FUNDS FOR INTENSIVE SANCTIONS PROGRAM. In the schedule under section 20.005 (3) of the statutes for the appropriation to the joint committee on finance under section 20.865 (4) (a) of the statutes, as affected by the acts of 1995, the dollar amount is increased by \$937,900 for fiscal year 1996–97.

(3x) FUNDS FOR SECURE WORK PROGRAM. In the schedule under section 20.005 (3) of the statutes for the appropriation to the joint committee on finance under section 20.865 (4) (a) of the statutes, as affected by the acts of 1995, the dollar amount is increased by \$183,800 for fiscal year 1996–97.

**SECTION 9400. Effective dates; general.** Except as otherwise provided in SECTIONS 9412 and 9459 of this act, this act takes effect on the day after publication.

**SECTION 9412. Effective dates; corrections.**

(1) JUVENILE SERVICE RATES. The treatment of sections 20.410 (3) (hm) and (ho) and 301.26 (4) (b) and (d) 3m. and 4. of the statutes takes effect on July 1, 1996, or on the day after publication, whichever is later.

**SECTION 9459. Effective dates; other.**

(1) RECONCILIATION; TRANSFER TO PROPERTY TAX RELIEF FUND. The treatment of 1995 Wisconsin Act .... (Assembly Bill 808), section 3 (1) takes effect on August 1, 1996.